

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

DOUGLAS DAVIS, Reg. No. K-02993, )  
Plaintiff, )  
v. ) No. 06-4276-CV-C-NKL  
JAIL ADMINISTRATOR, et al., )  
Defendants. )

## **REPORT, RECOMMENDATION AND ORDER**

Plaintiff Douglas Davis, formerly confined in the Miller County Jail, brought this case under the Civil Rights Act of 1871, 42 U.S.C. § 1983, and its corresponding jurisdictional statute, 28 U.S.C. § 1343. This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

Named as provisional defendants in this case are the Jail Administrator of the Miller County Jail and Administrator of the Lake Regional Health System. Plaintiff complied with the order to supply the court with addresses for service of process, but service at such addresses was not attempted because plaintiff failed to identify such defendants by name. Fed. R. Civ. P. 4(m) provides as follows:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Here, it has been more than 120 days since plaintiff's original complaint was filed. Plaintiff has not provided names for these defendants for service of process.

On May 25, 2007, plaintiff was directed to show cause, within twenty days, why his claims against the Jail Administrator and Hospital Administrator should not be dismissed, pursuant to Fed. R. Civ. P. 4(m). Plaintiff has failed to respond to that order and plaintiff's claims against said defendants should be dismissed.

On September 10, 2007, defendant Sheriff Abbott filed a motion for an extension of time to complete discovery. Upon consideration, it is

ORDERED that the time for completion of discovery is extended to November 10, 2007, and dispositive motions are due by November 20, 2007. [20] It is further

RECOMMENDED that plaintiff's claims against defendants Miller County Jail Administrator and Administrator of the Lake Regional Health System be dismissed, pursuant to Fed. R. Civ. P. 4(m).

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. The District Judge will consider only exceptions to the specific proposed findings and recommendations of this report. Exceptions should not include matters outside of the report and recommendation. Other matters should be addressed in a separate pleading for consideration by the Magistrate Judge.

The statute provides for exceptions to be filed within ten days of the service of the report and recommendation. The court has extended that time to twenty days, and thus, additional time to file exceptions will not be granted unless there are exceptional circumstances. Failure to make specific written exceptions to this report and recommendation will result in a waiver of the right to appeal. See L.R. 74.1(a)(2).

Dated this 17<sup>th</sup> day of September, 2007, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX  
United States Magistrate Judge